



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

September 8, 2006

TOM KUSIC  
G.P.O. BOX 932  
MELBOURNE, VIC 3001  
AU

Dear Sir/Madam,

Your refund request for 10086220 in the amount of \$1,013.00 has been denied.

Any request for refund must be filed within two years from the date the fee was paid. MPEP 1.26  
Refunds

Sincerely,

  
VINCENT STUART  
Technical Center Others  
703 308-9210 x119

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PAGE 02/04

AUG 19 2006

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## REQUEST FOR REFUND

Tom Kusic  
PO Box 932  
Melbourne  
Vic 3001  
AUSTRALIA

Commissioner for Patents  
U. S. Patent and Trademark Office  
United States of America

August 19, 2006

Refund Request Re: Patent Application number 10/086,220  
Filing Date: 02/28/2002  
Name of Applicant: Tom Kusic  
Invention Title: Tandem powered power tilting aircraft

When application number 10/086,220 was filed it contained 89 claims, 9 of which were independent claims. However, on filing, some claim numbers were repeated and the fee that I paid was based on 88 claims.

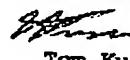
The total fee paid on filing the application was \$1,347. Of the \$1,347, \$370 was for the basic filing fee, \$585 was for 65 claims in excess of the 20 claims covered by the basic filing fee, \$252 was for 6 independent claims in excess of the 3 independent claims covered by the basic filing fee and \$140 was for multiple dependent claims.

The initial filing receipt mailed 03/22/2002 indicated that the application contained 89 claims, and that the filing fee of \$1,347 had been received. A subsequent replacement filing receipt mailed 04/03/2002 showed a total filing fee of \$1,383, which would have covered the extra four claims not paid for on initial filing. Copies of these receipts are attached.

The examiner to whom the application was allocated for examination insisted that a species be elected for prosecution, based on drawings in the application. A species was elected and as a result only claims 4, 5 and 6 were examined by the examiner. Claim 4 was an independent claim, and claims 5 and 6 were dependent on claim 4 only. All of the other claims, 1 to 3, and 7 to 89 were withdrawn from consideration since they were directed to a species that was not elected for prosecution.

Since the examiner insisted on species election, and as a result managed to have the claims that did not relate to the elected species withdrawn from consideration, I believe that the balance of the fee paid over the basic filing fee should be refunded to me and accordingly request a refund of at least \$977, being the fee paid on filing, \$1,347, less the basic basic filing fee of \$370. I couldn't find a copy of a check for the payment of the additional \$36, but if USPTO records confirm the additional fee of \$36, I would appreciate it if the additional amount of \$36 could be added to the refund, making a total refund of \$1,013.

Yours sincerely,

  
Tom Kusic

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CLAIMS ONLY						SERIAL NO.	FILING DATE								
						10086220	02-28-02								
						APPLICANT(S)									
CLAIMS															
	AS FILED		AFTER 1st AMENDMENT		AFTER 2nd AMENDMENT		IND.	DEP.	*	IND.	DEP.	*	IND.	DEP.	*
	IND.	DEP.	IND.	DEP.	IND.	DEP.									
1	1					51	29								
2	1					52	29								
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47	29					97									
48	29					98									
49	29					99									
50	29					100									
TOTAL IND.	9	1	9	1		TOTAL IND.									
TOTAL DEP.	1673	1	1760	1		TOTAL DEP.									
TOTAL CLAIMS	1682	1	1760	1		TOTAL CLAIMS									
1769 * MAY BE USED FOR ADDITIONAL CLAIMS OR AMENDMENTS															

**ATTENTION    ATTENTION    ATTENTION**

**Method of Refund:**

**ACH/EFT**

**Credit Card**

**Deposit Account #** \_\_\_\_\_

**Treasury Check**

**Patent/TM/App/Serial #** 10/086,226

**Program Area** Tech Center 3644

**Date Processed** 8/21/006

**ATTENTION    ATTENTION    ATTENTION**

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## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20591  
 (202) 707-3000

APPLICATION NUMBER	FILING DATE	GRANT DATE	FEES RECED	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	INT CLAS
10/088,220	02/28/2002	3844	1217		10	09	9

 TOM KUDIC  
 G.P.O. BOX 932  
 MELBOURNE, VIC 3001  
 AUSTRALIA

 CONFIRMATION NO. 8010  
 FILING RECEIPT  
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Date Mailed: 03/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you receive a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

TOM KUDIC, Melbourne, AUSTRALIA;

NOJ

Domestic Priority date as claimed by applicant

No I  
LICZ  
5.12  
has  
ordc

## Foreign Applications

AUSTRALIA PR 5455 02/01/2001

If Required, Foreign Filing Licence Granted 03/21/2002

Projected Publication Date: 08/01/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Tandem powered power lifting aircraft

## Preliminary Class

244

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Approved for use through 07/31/2008. OMB 0651-0031. U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL  
FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/086,220
Filing Date	02/28/2002
First Named Inventor	TOM KUSIC
Art Unit	
Examiner Name	STEPHEN A. HOLZEN
Total Number of Pages in This Submission	4
Attorney Docket Number	

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	
Signature	<i>T. Kusic</i>
Printed name	TOM KUSIC
Date	AUGUST 19, 2006
Reg. No.	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>T. Kusic</i>
Typed or printed name	TOM KUSIC
Date	08/19/2006

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.